

85th Legislative Session – 2010

Committee: House Judiciary

Wednesday, February 03, 2010

P - Present
E - Excused
A - Absent

Roll Call

P Engels
P Feinstein
P Gibson
P Gosch
P Hamiel
P Hoffman
P Hunt, Vice-Chair
P Killer
P Lust
P Moser
P Schlekeway
P Turbiville
P Cutler, Chair

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Chair Joni Cutler.

MOTION: TO APPROVE THE MINUTES OF MONDAY, FEBRUARY 1, 2010.

Moved by: Turbiville
Second by: Schlekeway
Action: Prevailed by voice vote.

HB 1078: revise certain provisions regarding court records inspection and copying.

Presented by: Greg Sattizahn, Unified Judicial System

MOTION: DO PASS HB 1078

Moved by: Gibson
Second by: Moser
Action: Prevailed by roll call vote. (13-0-0-0)

Voting Yes: Engels, Feinstein, Gibson, Gosch, Hamiel, Hoffman, Hunt, Killer, Lust, Moser, Schlekeway, Turbiville, Cutler

MOTION: PLACE HB 1078 ON CONSENT CALENDAR

Moved by: Turbiville
Second by: Hoffman
Action: Prevailed by voice vote.

HB 1079: revise certain provisions relating to the issuance of a new birth certificate in certain adoptions.

Presented by: Greg Sattizahn, Unified Judicial System

MOTION: DO PASS HB 1079

Moved by: Turbiville
Second by: Schlekeway
Action: Prevailed by roll call vote. (13-0-0-0)

Voting Yes: Engels, Feinstein, Gibson, Gosch, Hamiel, Hoffman, Hunt, Killer, Lust, Moser, Schlekeway, Turbiville, Cutler

MOTION: PLACE HB 1079 ON CONSENT CALENDAR

Moved by: Moser
Second by: Schlekeway
Action: Failed by voice vote.

HB 1080: correct the omission of a reference to fifth-offense DUI for habitual offender cases and to remove certain outdated language.

Presented by: Greg Sattizahn, Unified Judicial System

MOTION: DO PASS HB 1080

Moved by: Hoffman
Second by: Gibson

Action: Prevailed by roll call vote. (13-0-0-0)

Voting Yes: Engels, Feinstein, Gibson, Gosch, Hamiel, Hoffman, Hunt, Killer, Lust, Moser, Schlekeway, Turbiville, Cutler

HB 1111: revise the penalty for first degree manslaughter.

Presented by: Representative Richard Engels (Handouts: #1)

Proponents: Chris Hutton, Self, Vermillion
Jay Davis, Self, Rapid City
Brad Schreiber, SD Assoc. Criminal Defense Lawyers
Susan Thompson, Self, Colman

Opponents: Charlie McGuigan, Office of the Attorney General
Chuck Schroyer, SD States Attorneys Association

MOTION: AMEND HB 1111

1111ra

On the printed bill, delete everything after the enacting clause and insert:

" Section 1. The Executive Board of the Legislative Research Council shall conduct a study of all of the major crimes defined as those punishable as Class A, B, C, 1, 2, and 3 felonies to determine the appropriateness of the punishment to the elements of the crime and the justness of the punishment in comparison to similar crimes, both in South Dakota and in other states of the United States."

Moved by: Moser

Second by: Lust

Action: Was not acted on.

MOTION: SUBSTITUTE MOTION DO PASS HB 1111

Moved by: Feinstein

Second by: Engels

Action: Failed by roll call vote. (5-8-0-0)

Voting Yes: Engels, Feinstein, Gibson, Hoffman, Killer

Voting No: Gosch, Hamiel, Hunt, Lust, Moser, Schlekeway, Turbiville, Cutler

MOTION: AMEND HB 1111

1111ra

On the printed bill, delete everything after the enacting clause and insert:

" Section 1. The Executive Board of the Legislative Research Council shall conduct a study of all of the major crimes defined as those punishable as Class A, B, C, 1, 2, and 3 felonies to determine the appropriateness of the punishment to the elements of the crime and the justness of the punishment in comparison to similar crimes, both in South Dakota and in other states of the United States."

Moved by: Moser
Second by: Lust
Action: Failed by roll call vote. (2-11-0-0)

Voting Yes: Lust, Moser

Voting No: Engels, Feinstein, Gibson, Gosch, Hamiel, Hoffman, Hunt, Killer, Schlekeway, Turbiville, Cutler

MOTION: DEFER HB 1111 TO THE 41ST LEGISLATIVE DAY

Moved by: Turbiville
Second by: Gosch
Action: Prevailed by roll call vote. (9-4-0-0)

Voting Yes: Gosch, Hamiel, Hoffman, Hunt, Lust, Moser, Schlekeway, Turbiville, Cutler

Voting No: Engels, Feinstein, Gibson, Killer

HB 1117: revise certain provisions concerning the hiring by school districts of persons convicted of felony drug distribution.

Presented by: Representative Larry Lucas
Proponents: Margo Heinert, Self, Mission
Stacy Charging Hawk, Self, Mission
Senator Jim Bradford
Opponents: Bill Engberg, Associated School Boards of SD

MOTION: AMEND HB 1117

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On page 2, line 20, of the printed bill, delete "bus drivers,".

Moved by: Moser
Second by: Hamiel
Action: Prevailed by voice vote.

MOTION: DO PASS HB 1117 AS AMENDED

Moved by: Turbiville
Second by: Feinstein
Action: Prevailed by roll call vote. (13-0-0-0)

Voting Yes: Engels, Feinstein, Gibson, Gosch, Hamiel, Hoffman, Hunt, Killer, Lust, Moser, Schlekeway, Turbiville, Cutler

THE CHAIR DEFERRED HB 1119 and HB 1105 UNTIL WEDNESDAY, FEBRUARY 10, 2010.

MOTION: ADJOURN

Moved by: Engels
Second by: Feinstein
Action: Prevailed by voice vote.

Linda Dugaard
Committee Secretary

Joni M. Cutler, Chair